

108TH CONGRESS
1ST SESSION

H. R. 1501

To designate certain public lands in Humboldt, Del Norte, Mendocino, Lake, Napa, and Yolo Counties in the State of California as wilderness, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 2003

Mr. THOMPSON of California (for himself and Ms. SOLIS) introduced the following bill; which was referred to the Committee on Resources

A BILL

To designate certain public lands in Humboldt, Del Norte, Mendocino, Lake, Napa, and Yolo Counties in the State of California as wilderness, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Northern California Coastal Wild Heritage Wilderness
6 Act”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

Sec. 1. Short title; table of contents.
 Sec. 2. Findings.

TITLE I—DESIGNATION OF WILDERNESS AREAS

Sec. 101. Designation of wilderness areas to be administered by Bureau of
 Land Management and Forest Service.
 Sec. 102. Administration of wilderness areas.
 Sec. 103. Designation of Elkhorn Ridge potential wilderness area.

TITLE II—WILD AND SCENIC RIVER DESIGNATIONS

Sec. 201. Designation of Black Butte River, California, as wild and scenic
 river.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

Sec. 301. Wilderness and wild and scenic rivers tourism development.
 Sec. 302. Wilderness and wild and scenic rivers recreation development.
 Sec. 303. Law enforcement.
 Sec. 304. Acquisition of inholdings.
 Sec. 305. Firefighting.

3 **SEC. 2. FINDINGS.**

4 The Congress finds and declares the following:

5 (1) The publicly owned lands and rivers of Cali-
 6 fornia are a wildland resource of extraordinary value
 7 for this and future generations.

8 (2) Increasing pressure from California's rap-
 9 idly growing population threatens to irrevocably
 10 harm these remaining wild areas and wild rivers.

11 (3) Statutory protection is needed for these
 12 areas to ensure that they remain a part of our nat-
 13 ural heritage and continue to be a source of solitude
 14 and inspiration for all Americans.

15 (4) Continuation of military activities, including
 16 overflights, military maneuvers, testing and evalua-

1 tion, and other activities without limit to frequency,
2 is not incompatible with the protection and proper
3 management of the wilderness and wild and scenic
4 river resources designated by this Act.

5 (5) Wildfire management activities necessary to
6 protect public health and safety and private property
7 are fully allowable in wilderness areas designated by
8 this Act, and the Secretary of the Interior and the
9 Secretary of Agriculture may take any measures
10 deemed necessary to control or prevent fires.

11 (6) The wilderness and wild and scenic river re-
12 sources designated by this Act shall be included in
13 the National Wilderness Preservation System and
14 the National Wild and Scenic Rivers System, in
15 order to—

16 (A) preserve the unique wild and natural
17 features of these landscapes;

18 (B) protect a diverse array of ecosystems,
19 plants, animals, geologic structures and hydro-
20 logic features that represent the natural splen-
21 dor of California;

22 (C) protect and preserve historical and cul-
23 tural archeological sites associated with ancient
24 Indian cultures and the settlement of Cali-
25 fornia;

1 (D) protect and preserve areas that con-
2 tinue to be used by Native American tribes for
3 spiritual, cultural, or subsistence practices;

4 (E) protect watersheds, including those
5 that play an essential role in providing munic-
6 ipal and agricultural water supplies;

7 (F) provide opportunities for compatible
8 outdoor recreation, including horseback riding
9 on saddle and pack stock, hunting and fishing,
10 hiking and camping, whitewater rafting, trail
11 running, and excursions led by commercial out-
12 fitters;

13 (G) retain and enhance opportunities for
14 scientific research in pristine ecosystems; and

15 (H) promote the recovery of threatened
16 and endangered species, including salmon and
17 steelhead.

18 **TITLE I—DESIGNATION OF** 19 **WILDERNESS AREAS**

20 **SEC. 101. DESIGNATION OF WILDERNESS AREAS TO BE AD-** 21 **MINISTERED BY BUREAU OF LAND MANAGE-** 22 **MENT AND FOREST SERVICE.**

23 (a) DESIGNATION.—In furtherance of the purposes of
24 the Wilderness Act (16 U.S.C. 1131 et seq.), the following
25 public lands in the State of California are hereby des-

1 ignated as wilderness, and therefore, as components of the
2 National Wilderness Preservation System or as additions
3 to existing components of the National Wilderness Preser-
4 vation System:

5 (1) Certain lands in the Mendocino National
6 Forest in Lake County, California, which comprise
7 approximately 20,960 acres, as generally depicted on
8 a map entitled “Snow Mountain Wilderness Area
9 Additions-Proposed”.

10 (2) Certain lands in the Mendocino National
11 Forest which comprise approximately 10,160 acres,
12 as generally depicted on a map entitled “Sanhedrin
13 Wilderness Area-Proposed”.

14 (3) Certain lands in the Mendocino National
15 Forest and certain lands administered by the Arcata
16 Field Office of the Bureau of Land Management
17 which comprise approximately 51,790 acres, as gen-
18 erally depicted on a map entitled “Yuki Wilderness
19 Area-Proposed”.

20 (4) Certain lands in the Mendocino National
21 Forest which comprise approximately 26,760 acres
22 in Mendocino County, California, as generally de-
23 picted on a map entitled “Yolla Bolly-Middle Eel
24 Wilderness Area Additions-Proposed”.

1 (5) Certain lands in the Six Rivers National
2 Forest which comprise approximately 5,740 acres, as
3 generally depicted on a map entitled “Mad River
4 Buttes Wilderness Area-Proposed”.

5 (6) Certain lands in the Six Rivers National
6 Forest which comprise approximately 33,750 acres
7 in Del Norte County and 8,440 acres in Humboldt
8 County, California, as generally depicted on a map
9 entitled “Siskiyou Wilderness Area Additions-Pro-
10 posed”.

11 (7) Certain lands in the Six Rivers National
12 Forest which comprise approximately 7,100 acres in
13 Humboldt County, California, as generally depicted
14 on a map entitled “Mt. Lassic Wilderness Area-Pro-
15 posed”.

16 (8) Certain lands in the Six Rivers National
17 Forest which comprise approximately 26,510 acres
18 in Humboldt County, California, as generally de-
19 picted on a map entitled “Trinity Alps Wilderness
20 Area Additions-Proposed”.

21 (9) Certain lands in the Six Rivers National
22 Forest which comprise approximately 3,500 acres as
23 generally depicted on a map entitled “Underwood
24 Wilderness Area-Proposed”.

1 (10) Certain lands administered by the Ukiah
2 Field Office of the Bureau of Land Management
3 which comprise approximately 38,960 acres in Lake
4 and Napa Counties, California, as generally depicted
5 on a map entitled “Cache Creek Wilderness Area-
6 Proposed”.

7 (11) Certain lands administered by the Ukiah
8 Field Office of the Bureau of Land Management
9 which comprise approximately 760 acres in Napa
10 County, California, as generally depicted on a map
11 entitled “Blue Ridge Wilderness Area-Proposed”.

12 (12) Certain lands administered by the Ukiah
13 Field Office of the Bureau of Land Management
14 which comprise approximately 5,880 acres, as gen-
15 erally depicted on a map entitled “Cedar Roughs
16 Wilderness Area-Proposed”.

17 (13) Certain lands administered by the Arcata
18 Field Office of the Bureau of Land Management
19 which comprise approximately 41,614 acres, as gen-
20 erally depicted on a map entitled “King Range Wil-
21 derness Area-Proposed”.

22 (14) Certain lands administered by the Arcata
23 Field Office of the Bureau of Land Management
24 which comprise approximately 14,000 acres, as gen-

1 erally depicted on a map entitled “South Fork Eel
2 Wilderness Area-Proposed”.

3 (b) SPECIAL RULE, KING RANGE WILDERNESS
4 AREA.—With respect to the King Range Wilderness Area
5 designated by subsection (a)(13), in case of conflict be-
6 tween this title and Public Law 91–476 (16 U.S.C. 460y
7 et seq.), which established the King Range National Con-
8 servation Area, the more restrictive provisions shall con-
9 trol.

10 **SEC. 102. ADMINISTRATION OF WILDERNESS AREAS.**

11 (a) MANAGEMENT.—Subject to valid existing rights,
12 the wilderness areas designated by this title shall be ad-
13 ministered by the Secretary of the Interior or the Sec-
14 retary of Agriculture (in this section referred to as the
15 “Secretary”), whoever has administrative jurisdiction over
16 the area, in accordance with the provisions of the Wilder-
17 ness Act (16 U.S.C. 1131 et seq.) governing areas des-
18 ignated by that Act as wilderness, except that any ref-
19 erence in such provisions to the effective date of the Wil-
20 derness Act (or any similar reference) shall be deemed to
21 be a reference to the date of the enactment of this Act.

22 (b) MAP AND LEGAL DESCRIPTION.—As soon as
23 practicable, but no later than three years after the date
24 of the enactment of this Act, the Secretary shall file a
25 map and a legal description of each wilderness area des-

1 ignated in this title with the Committee on Energy and
2 Natural Resources of the Senate and the Committee on
3 Resources of the House of Representatives. Such map and
4 description shall have the same force and effect as if in-
5 cluded in this title, except that the correction of clerical
6 and typographical errors in such legal description may be
7 made. Copies of such map and legal description shall be
8 on file and available for public inspection in the office of
9 the Secretary.

10 (c) WILDERNESS CHARACTER.—As provided in sec-
11 tion 4(b) of the Wilderness Act (16 U.S.C. 1133(b)), the
12 Secretary concerned shall administer the areas designated
13 as wilderness in this title so as to preserve their wilderness
14 character and to devote them to the public purposes of
15 recreational, scenic, scientific, educational, conservation,
16 and historical use. All activities in the areas shall be sub-
17 ject to regulations the Secretary considers necessary to
18 fulfill the purposes of the Wilderness Act.

19 (d) FIRE MANAGEMENT ACTIVITIES.—

20 (1) PURPOSE.—The Secretary may take such
21 measures in the wilderness areas designated by this
22 title as necessary in the control and prevention of
23 fire, insects, and diseases, as provided in section
24 4(d)(1) of the Wilderness Act (16 U.S.C.
25 1133(d)(1)) and the report of the Committee on In-

1 terior and Insular Affairs of the House of Rep-
2 resentatives to accompany H.R. 1437 of the 98th
3 Congress (H. Rept. 98–40).

4 (2) AUTHORIZED ACTIVITIES.—The measures
5 authorized by paragraph (1) may include the use of
6 mechanized and motorized equipment for fire sup-
7 pression where necessary to protect public health
8 and safety and private property.

9 (3) RESPONSE.—Not later than one year after
10 the date of the enactment of this Act, the Secretary
11 shall review existing policy to ensure that authorized
12 approval procedures for any such measures permit a
13 timely and efficient response in case of fire emer-
14 gencies in the wilderness areas. In areas of extreme
15 fire hazard, the Secretary shall consider whether the
16 authority to take whatever appropriate actions are
17 necessary for fire management shall be delegated to
18 the Forest Supervisor or the Bureau of Land Man-
19 agement District Manager or a field manager.

20 (4) SPECIAL RULES FOR CERTAIN DESIGNATED
21 WILDERNESS AREAS.—The boundaries of the Snow
22 Mountain Wilderness Area, Yolla Bolly-Middle Eel
23 Wilderness Area, and the Cache Creek Wilderness
24 Area shall be adjusted to allow and encourage me-
25 chanical fire pre-suppression activities within 600

1 feet of specific parcels of private land adjacent to
2 Class III Wildfire risk areas, as depicted on the
3 maps for these areas referenced in paragraphs (1),
4 (4), and (10) of section 101(a).

5 (e) ACCESS TO PRIVATE PROPERTY.—The Secretary
6 shall provide private property owners with adequate access
7 to their nonfederally owned land or interests in land within
8 the boundaries of the wilderness designated by this title
9 to ensure the owner of such land or interest the reasonable
10 use and enjoyment thereof.

11 (f) MANAGEMENT OF PRIVATE PROPERTY.—Nothing
12 in this title shall enlarge or diminish the private property
13 rights of non-Federal landowners with property within the
14 boundaries of the wilderness areas designated by this title.

15 (g) HUNTING AND FISHING.—Nothing in this Act
16 shall affect existing hunting and fishing, under applicable
17 State and Federal laws and regulations, within the bound-
18 aries of the wilderness areas designated by this title.

19 (h) SNOW SENSORS AND STREAM GAUGES.—Nothing
20 in this title shall be construed to prevent the installation
21 and maintenance of hydrologic, meteorologic, or climato-
22 logical facilities or any combination of the foregoing, or
23 limited motorized access to such facilities when non-
24 motorized access means are not reasonably available or
25 when time is of the essence, if the Secretary determines

1 that such facilities or access are essential to flood warning,
2 flood control, water supply forecasting, or reservoir oper-
3 ation purposes.

4 (i) MILITARY ACTIVITIES.—Nothing in this title shall
5 preclude low-level overflights of military aircraft, testing
6 and evaluation, the designation of new units of special use
7 airspace, or the use or establishment of military flight
8 training routes over wilderness areas designated by this
9 title.

10 (j) HORSES.—Nothing in this title shall preclude
11 horseback riding or the entry of recreational saddle or
12 pack stock into wilderness areas designated by this title.

13 (k) LIVESTOCK GRAZING.—Grazing of livestock and
14 maintenance of existing facilities related to grazing in wil-
15 derness areas designated by this title, if established before
16 the date of the enactment of this Act, shall be permitted
17 to continue as provided in section 4(d)(4) of the Wilder-
18 ness Act (16 U.S.C. 1133(d)(4)) and section 108 of Public
19 Law 96–560 (16 U.S.C. 1133 note).

20 (l) FISH AND WILDLIFE.—Nothing in this title shall
21 be construed as affecting the jurisdiction or responsibil-
22 ities of the State of California with respect to wildlife and
23 fish on the public lands in that State as provided in section
24 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)).

1 (m) WILDLIFE MANAGEMENT.—In furtherance of
2 the purposes and principles of the Wilderness Act, man-
3 agement activities to maintain or restore fish and wildlife
4 populations and the habitats to support such populations
5 may be carried out within wilderness areas designated by
6 this title, if consistent with relevant wilderness manage-
7 ment plans, in accordance with appropriate policies and
8 guidelines.

9 (n) LAW ENFORCEMENT ACTIVITIES.—Nothing in
10 this title shall be construed as precluding or otherwise af-
11 fecting border operations by the Immigration and Natu-
12 ralization Service, the Drug Enforcement Administration,
13 the United States Customs Service, or State and local law
14 enforcement agencies within wilderness areas designated
15 by this title.

16 (o) NATIVE AMERICAN USES AND INTERESTS.—In
17 recognition of the past use of wilderness areas designated
18 by this title by members of Indian tribes for traditional
19 cultural and religious purposes, the Secretary shall ensure
20 access to such wilderness areas by Indian tribes for such
21 traditional cultural and religious purposes. In imple-
22 menting this section, the Secretary, upon the request of
23 an Indian tribe or Indian religious community, shall tem-
24 porarily close to the general public use of one or more spe-
25 cific portions of the wilderness area in order to protect

1 the privacy of traditional cultural and religious activities
2 in the area by members of the Indian tribe or Indian reli-
3 gious community. Any such closure shall be made to affect
4 the smallest practicable area for the minimum period nec-
5 essary for such purposes. Such access shall be consistent
6 with the purpose and intent of Public Law 95–341 (42
7 U.S.C. 1996; commonly known as the American Indian
8 Religious Freedom Act) and the Wilderness Act.

9 (p) COMMERCIAL OUTFITTERS.—Nothing in this title
10 shall preclude the use by commercial outfitters of the wil-
11 derness areas designated by this title.

12 (q) AREAS ADJACENT TO WILDERNESS AREAS.—
13 Nothing in this title shall be construed to create protective
14 perimeters or buffer zones around wilderness areas des-
15 ignated by this title. Activities or uses of nonwilderness
16 areas that can be seen or heard within wilderness areas
17 designated by this title shall not be precluded as a result
18 of this title.

19 (r) WATER RESOURCES PROJECTS.—Nothing in this
20 title shall preclude relicensing of, assistance to, or oper-
21 ation and maintenance of, developments below or above
22 a wilderness area designated by this title or on any stream
23 tributary thereto which will not invade the area or unrea-
24 sonably diminish the wilderness, scenic, recreational, and

1 fish and wildlife values present in the area as of the date
2 of the enactment of this Act.

3 **SEC. 103. DESIGNATION OF ELKHORN RIDGE POTENTIAL**
4 **WILDERNESS AREA.**

5 (a) DESIGNATION.—In furtherance of the provisions
6 of the Wilderness Act (16 U.S.C. 1131 et seq.), certain
7 public lands in the State of California administered by the
8 Arcata Field Office of the Bureau of Land Management,
9 which comprise approximately 8,000 acres, as generally
10 depicted on a map entitled “Elkhorn Ridge Potential Wil-
11 derness Area-Proposed” are designated as a potential wil-
12 derness area.

13 (b) MANAGEMENT.—Subject to valid existing rights,
14 the Secretary of the Interior shall manage the potential
15 wilderness area designated by this section as wilderness
16 (except as provided in subsection (c)) until such time as
17 the lands are designated as wilderness under subsection
18 (d).

19 (c) ECOLOGICAL RESTORATION.—For purposes of ec-
20 ological restoration, including the elimination of non-na-
21 tive species, removal of illegal, unused or decommissioned
22 roads, repair of skid tracks, and other actions necessary
23 to restore the natural ecosystems in the potential wilder-
24 ness area designated by this section, the Secretary of the
25 Interior may use motorized equipment and mechanized

1 transport until such time as the potential wilderness area
 2 is designated as wilderness. To the maximum extent prac-
 3 ticable, the Secretary shall seek to use the minimum tool
 4 or administrative practice necessary to accomplish nec-
 5 essary ecological restoration with the least amount of ad-
 6 verse impact on wilderness character and resources.

7 (d) WILDERNESS DESIGNATION.—Upon removal of
 8 conditions incompatible with the Wilderness Act and pub-
 9 lication by the Secretary of the Interior in the Federal
 10 Register of notice of such removal or 5 years after the
 11 date of the enactment of this Act, whichever comes first,
 12 the potential wilderness area designated by this section
 13 shall be designated as wilderness, and therefore, as a com-
 14 ponent of the National Wilderness Preservation System.

15 (e) AUTHORIZATION OF APPROPRIATIONS.—There
 16 are authorized to be appropriated to the Secretary of the
 17 Interior for each of the fiscal years 2004 through 2007
 18 \$1,250,000 to carry out ecological restoration activities
 19 under subsection (c).

20 **TITLE II—WILD AND SCENIC** 21 **RIVER DESIGNATIONS**

22 **SEC. 201. DESIGNATION OF BLACK BUTTE RIVER, CALI-** 23 **FORNIA, AS WILD AND SCENIC RIVER.**

24 (a) DESIGNATION.—In order to preserve and protect
 25 for present and future generations the outstanding scenic,

1 natural, wildlife, fishery, recreational, scientific, historic,
2 and ecological values of the following rivers in the State
3 of California, section 3(a) of the Wild and Scenic Rivers
4 Act (16 U.S.C. 1274(a)) is amended by adding at the end
5 the following new paragraph:

6 “() BLACK BUTTE RIVER, CALIFORNIA.—The 16
7 miles of Black Butte River from the Mendocino County
8 line to its confluence with Jumpoff Creek, to be adminis-
9 tered by the Secretary of Agriculture as a wild river. The
10 3.5 miles of Black Butte River from its confluence with
11 Jumpoff Creek to its confluence with Middle Eel River,
12 to be administered by the Secretary of Agriculture as a
13 scenic river. The 1.5 miles of Cold Creek from the
14 Mendocino County line to its confluence with Black Butte
15 River, to be administered by the Secretary of Agriculture
16 as a wild river.”.

17 (b) PLAN AND REPORTING REQUIREMENTS.—Within
18 18 months after the date of the enactment of this Act,
19 the Secretary of Agriculture shall submit to Congress a
20 fire management plan and report on the cultural and his-
21 toric resources within the Black Butte River segments des-
22 ignated by the amendment made by subsection (a). The
23 Secretary shall provide a copy of the plan and report to
24 the board of supervisors of Mendocino County, California.

1 (c) WATER RESOURCES PROJECTS.—Nothing in this
2 title shall preclude relicensing of, assistance to, or oper-
3 ation and maintenance of, developments below or above
4 a wild, scenic, or recreational river area or on any stream
5 tributary thereto which will not invade the area or unrea-
6 sonably diminish the scenic, recreational, and fish and
7 wildlife values present in the area as of the date of the
8 enactment of this Act.

9 (d) NATIVE AMERICAN USES AND INTERESTS.—In
10 recognition of the past use of the areas designated by this
11 title as wild, scenic, and recreational rivers by members
12 of Indian tribes for traditional cultural and religious pur-
13 poses, the Secretary of Agriculture shall ensure access to
14 such wild, scenic, and recreational rivers by Indian tribes
15 for such traditional cultural and religious purposes. In im-
16 plementing this section, the Secretary, upon the request
17 of an Indian tribe or Indian religious community, shall
18 temporarily close to the general public use of one or more
19 specific portions of the wild, scenic, or recreational river
20 to protect the privacy of traditional cultural and religious
21 activities in those portions by members of the Indian tribe
22 or Indian religious community. Any such closure shall be
23 made to affect the smallest practicable area for the min-
24 imum period necessary for such purposes. Such access
25 shall be consistent with the purpose and intent of Public

1 Law 95–341 (42 U.S.C. 1996; commonly known as the
2 American Indian Religious Freedom Act) and the Wilder-
3 ness Act.

4 **TITLE III—AUTHORIZATION OF** 5 **APPROPRIATIONS**

6 **SEC. 301. WILDERNESS AND WILD AND SCENIC RIVERS** 7 **TOURISM DEVELOPMENT.**

8 There is authorized to be appropriated for each fiscal
9 year \$2,500,000 to the Secretary of Agriculture and
10 \$2,500,000 to the Secretary of the Interior to establish
11 a program to provide grants to communities surrounded
12 by, or adjacent to, wilderness areas or wild, scenic, or rec-
13 reational rivers designated by this Act, to be used for the
14 purpose of creating and promoting wilderness- and recre-
15 ation-related jobs, developing visitors centers, informa-
16 tional brochures, and kiosks regarding the wilderness
17 areas or wild, scenic, or recreational rivers, or other devel-
18 oping other methods to promote wilderness and wild and
19 scenic river tourism.

20 **SEC. 302. WILDERNESS AND WILD AND SCENIC RIVERS** 21 **RECREATION DEVELOPMENT.**

22 There is authorized to be appropriated for each fiscal
23 year \$1,750,000 to the Secretary of Agriculture and
24 \$1,750,000 to the Secretary of the Interior to be used in
25 wilderness areas and wild, scenic, or recreational rivers

1 designated by this Act to develop trails and other facilities
2 that will promote and enhance wilderness or wild, scenic,
3 or recreational river recreation experiences.

4 **SEC. 303. LAW ENFORCEMENT.**

5 There is authorized to be appropriated for each fiscal
6 year \$1,000,000 to the Secretary of Agriculture and
7 \$1,000,000 to the Secretary of the Interior to be used in
8 wilderness areas and wild, scenic, or recreational rivers
9 designated by this Act to support law enforcement activi-
10 ties necessary to protect visitors and the natural resources
11 of these wild areas.

12 **SEC. 304. ACQUISITION OF INHOLDINGS.**

13 There is authorized to be appropriated for each fiscal
14 year \$2,500,000 to the Secretary of Agriculture and
15 \$2,500,000 to the Secretary of the Interior to be used for
16 the purpose of acquiring inholdings in the wilderness areas
17 and wild, scenic, or recreational rivers designated by this
18 Act.

19 **SEC. 305. FIREFIGHTING.**

20 There is authorized to be appropriated for each fiscal
21 year \$5,000,000 to the Secretary of Agriculture and
22 \$5,000,000 to the Secretary of the Interior to be used in
23 wilderness areas and wild, scenic, or recreational rivers
24 designated by this Act to support firefighting activities.

○